



Town Council Meeting Minutes



Thursday, January 26, 2012, at 7:00 PM, in the Town Hall Meeting Room

Chairman Rothhaus called the meeting to order at 7:00pm. Present at the meeting were Chairman Rothhaus, Vice Chair Boyd, Councilor Mahon, Councilor Yakuboff, Councilor Koenig, Councilor Flood and Town Manager Eileen Cabanel. Councilor Dwyer was excused.

Announcements

Upcoming meeting schedule: Regular Town Council meetings are scheduled for February 9th at 7:00 pm and February 23rd at 7:00 pm.

Special meeting for ratification of outstanding Union contracts (if necessary): February 14th at 7:00 pm.

Public Hearing for 2012/13 proposed Municipal Operating Budget, Collective Bargaining Agreements, if any, Proposed Issuance of Debt, Petitioned Bonds, if any, other Petitioned Warrant Articles and Review of Default Budget: February 16th at 7:00 pm.

The following announcements were made by Town Manager Eileen Cabanel:

- 2012 dog licenses are now available at the Town Clerk's office. Per NH state law, all dogs 4 months and older are required to be licensed annually by May 1st. Licenses not renewed by May 1st will be subject to late fees, and owners may receive fines and potential court action. If you no longer have your dog, please contact the Town Clerk's office.
- Filing Period for Town offices will be held February 22nd to March 2nd.
- The 17th Citizen's Academy has started with 24 participants attending each Wednesday for the next 10 weeks.
- Anyone interested in the Police Department's "Neighborhood Watch" program should contact Officer Robert Kelleher at 424-3774.
- The Merrimack Parks and Recreation Department is hosting a day trip to the "Boston Flower and Garden Show" on Thursday, March 15. The motor coach will depart at 9:00 am and will return to Town Hall at approximately 5:00 pm. The cost of \$39.95 per person includes round trip motor coach transportation, ticket to the Boston Garden and Flower Show and driver gratuity. For more information, or to register for this trip, please call the Merrimack Parks and Recreation Department.
- Planning is underway for the 20th Annual Winter Carnival at Wasserman Park. The Merrimack Parks & Recreation Department and the Parks and Recreation Committee are proud to host this event scheduled for Saturday, February 25th from 12:00 pm until 3:00 pm. Enjoy a day of FREE family entertainment. Activities are planned for "snow" or "no-snow" conditions. Call the Parks & Recreation Department if you would like to offer a refreshment or participate in hosting an activity or game.

Recognitions, Resignations and Retirements

None

Comments from the Press and Public

Lynn Christensen spoke about the Rabies Clinic, sponsored by the Rotary Club, coming in April.

Appointments

House Bill 1369 Discussion

Submitted by Councilor Tom Mahon

The Town Council and local legislators discussed House Bill 1369 (also called the "Campbell Bill"), which authorizes the installation of an open road tolling plaza in the vicinity of Exit 10 on the F.E. Everett Turnpike. Representative Dick Hinch introduced the legislators present and discussed the three upcoming House Bills regarding tolls – HB 1369, HB 1257 and HB 1192. Public Hearings for the bills will be held on February 2nd at the State House. Representative Hinch discussed that HB 1369 came about because of the lost toll revenues with the opening of the airport access road and that the Bill would remove the tolls at Exit 11, Exit 12 and the Bedford Toll Plaza. Representative Hinch does not agree with the Bill because it would raise the toll for those heading south from Merrimack. This increase would require a toll in the amount of

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\$1.00 rather than the current \$0.50, and that in the future, the projected toll may raise to \$2.00. The estimated cost to relocate the tolls is \$20 - \$26 million. Representatives Chris Christensen, Joseph Thomas, Tony Pellegrino, Jeannine Notter, Dick Barry and Senator Ray White also discussed HB 1369 and why they oppose it. Representative Barry briefly discussed the bill that he sponsored that would provide a 30% discount to Merrimack residents. There was discussion about the different ways the State could generate revenues.

Public Hearing

None

Legislative Updates from State Representatives

Senator Ray White thanked the Council and residents of Merrimack for allowing him to serve, as he is not running for re-election. Representative Barry spoke of receiving calls from residents about political signs remaining after the latest election. Representative Hinch spoke highly of Senator White. Councilor Flood expressed that she would like to see the Representatives return to update the Council on upcoming House Bills.

Town Manager's Report

- Community Development Department staff (along with Fire and Police) began working with the new General Manager of the Merrimack Premium Outlets, particularly relating to the anticipated opening weekend. With large crowds expected for the opening, coupled with the Rotary's annual Rib-Fest on the same weekend, staff expects a large influx of traffic and visitors to Merrimack. Staff is establishing contacts with other local businesses and properties that may have available overflow parking for the opening.
- We welcome the approval of 2 new projects by the Planning Board in January. Arencos, Inc. received conditional approval for a multi-building, multi-tenant, commercial office project at the corner of Crosswoods Path Boulevard and DW Highway, totaling approximately 12,600 square feet. Additionally, Inland Diversified Real Estate Services received conditional approval for a new Thai restaurant (Sweet Ginger) to locate next to the NH Liquor Store at the corner of Continental Boulevard and Camp Sargent Road.
- With the budget work winding down, Town Manager Eileen Cabanel and Community Development Director Tim Thompson will be resuming their Business Visitation Program. They would like to meet with all businesses, small and large. If a business has not been contacted by the Town, please contact us.
- The Parks and Recreation Committee will be forming two subcommittees to help with the development of Watson Park. Working with the Parks and Recreation Department, they will address the questions and needs of the community. The first subcommittee is needed to help plan for a dog park within Watson Park. The second subcommittee will help develop a plan for the pavilion. The goal is to have a plan for development and funding by the end of 2012. If you are interested in joining a subcommittee to work on ideas for the Dog Park or pavilion at Watson Park, please send a note of interest to the Parks and Recreation Department at 6 Baboosic Lake Rd., Merrimack, NH 03054, or via email to skalish@merrimacknh.gov by Friday, February 10th.

Consent Agenda

Acceptance of Changes to Chapters of the Merrimack Town Code [Final Reading]

Submitted by Tim Tenhave

The Town Council considered final approval of the recommended changes to Chapters 19, 25, 27, 66, 81, 119, 139, 158, 180 and 193 of the Merrimack Town Code, pursuant to Charter Article V, Section 5-4. Vice Chair Boyd expressed his gratitude to Tim Tenhave for his work on the project.

MOTION was made by Councilor Mahon and seconded by Vice Chair Boyd to move item 1 on the consent agenda. MOTION CARRIES 6-0-0

Old Business

None

New Business

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Consideration of Changes to Chapter 183 – Vehicles and Traffic [First Reading]

Submitted by Public Works Deputy Director Kyle Fox, Police Chief Mark Doyle and Tim Tenhave

The Town Council considered the acceptance of recommended changes to Chapter 183 – Vehicles and Traffic of the Merrimack Town Code, pursuant to Charter Article V.

MOTION was made by Vice Chair Boyd and seconded by Councilor Mahon to move Chapter 183 – Vehicles and Traffic to public hearing. MOTION CARRIES 6-0-0

Polling Times Discussion

Submitted by Town Moderator Lynn Christensen

The Town Council and Town Moderator Lynn Christensen discussed the possible changes to the polling times for future elections. The current time is 7am-8pm and the proposed change is 7am-7pm.

MOTION was made by Councilor Mahon and seconded by Councilor Yakuboff to accept the polling time change to 7am-7pm. MOTION CARRIES 5-1-0 Vice Chair Boyd voted in the negative

Discussion on the motion

Councilor Mahon expressed the need to heavily publicize the time change, as well as the polling place change. Moderator Christensen said the savings could be \$500-\$1,000 per election. She requested that St. James be contacted about putting a message on their letter board with the polling place and time change and anywhere else that it could possibly be done. Councilor Yakuboff stressed that getting an absentee ballot is an easy process.

Acceptance of Donated Funds from Mobil on the Run Fundraiser

Submitted by Captain Michael J. Dudash

The Town Council considered the acceptance of a donation of approximately \$4,143.89 from Craig Caron of Caron & Son Convenience Store, Inc., which was raised through a store promotion during the month of November 2011 for the Merrimack Police Department, pursuant to RSA 31:95-b and Charter Article 8-15. Captain Dudash discussed that the funds would be used for either electronic flares, AEDs (defibrillator), or a data collection device for motor vehicles.

MOTION was made by Vice Chair Boyd and seconded by Councilor Mahon to accept the donation of approximately \$4,143.89 from Craig Caron of Caron & Son Convenience Store, Inc., which was raised through a store promotion during the month of November 2011 for the Merrimack Police Department, pursuant to RSA 31:95-b and Charter Article 8-15. MOTION CARRIES 6-0-0

Review of the Second Quarter Financial Results for Fiscal Year 2011/12

Submitted by Finance Director Paul Micali

The Town Council was presented with the financial results of the second quarter of Fiscal Year 2011/12, pursuant to Charter Article 8-7. Finance Director Paul Micali stated the Auditor's report for fiscal year ending June 30, 2011, has just been received and placed in the Councilors' bins. Mr. Micali stated health insurance numbers continue to increase and the Town has spent about \$1.4 million on health insurance through December 31, 2011 for 6 months, which is about a 15% increase over the prior year. Retirement costs for Group 1 (everyone except Police and Fire) is down from last year, while Group 2 (Police and Fire), costs increased. Retirement costs will be flat into fiscal year 2012/13, but will increase again after that. Overall, overtime is up over the prior year. Highway and Solid Waste had increases due to the October snowstorm and Fire had a large increase due to leaves, illnesses and shortages within the Department. Mr. Micali said the Town is working with FEMA to get reimbursement money for the October snowstorm. He also stated there are sufficient appropriations for the remainder of the fiscal year. Mr. Micali also discussed revenues. Building permit revenues are up about \$9,000 over the prior year and auto registrations are up

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about \$40,000 over the prior year. Also, he said that the Town will not achieve the goal of \$300,000 of interest income for the year, but that it will be made up in other areas. He believes the Town will reach the projected revenues and said that the Town is in good financial condition overall. The Town has about \$2 million in Fund balance and Town Manager Eileen Cabanel feels that is too low, but pointed out that the Town has hardly any debt.

Minutes

MOTION was made by Vice Chair Boyd and seconded by Councilor Yakuboff to approve the minutes from the January 5th Town Council meeting with the following corrections. MOTION CARRIES 6-0-0

- Page 1, under Fire, second sentence “fire fighter” should be one word
- Page 1, under Code Enforcement, 3rd line should be changed to read “but, the transition continues to streamline the process...”
- Page 1, under Code Enforcement, 4th line “feed back” should be one word

MOTION was made by Vice Chair Boyd and seconded by Councilor Koenig to approve the minutes from the January 9th Town Council meeting as presented. MOTION CARRIES 6-0-0

Comments from the Press

None

Comments from the Public

None

Comments from the Council

Vice Chair Boyd stated that he, Councilor Flood and Councilor Mahon attended the Pennichuck Corp. acquisition ceremony in Nashua. He said that the Mayor of Nashua expressed her gratitude to them. Vice Chair Boyd also attended the ribbon cutting at Keystone Hall, which is an inpatient treatment facility for substance abuse.

Councilor Flood stated that Mastricola Elementary won an award for the best elementary school in the State.

Adjourn

MOTION was made Vice Chair Boyd and seconded by Councilor Koenig to adjourn the meeting. MOTION CARRIES 4-2-0 Councilor Yakuboff and Vice Chair Boyd voted in the negative

Submitted by Kristin Wardner